

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : 4:CR-08-0247
v. : (Judge McClure)
SHAWN HENDERSON, :
Defendant :

ORDER

July 31, 2008

BACKGROUND:

On June 12, 2008, a grand jury sitting in the Middle District of Pennsylvania returned a one-count indictment charging the defendant with possession of contraband by an inmate, in violation of 18 U.S.C. §§ 1791(a)(2), 1791(d)(1)(B) and 2.

Henderson was arraigned on June 19, 2008, at which time he entered a plea of not guilty. Jury selection was subsequently scheduled for August 1, 2008.

A plea agreement was filed July 25, 2008 and a change of plea proceeding scheduled for July 30, 2008 at 3:00 p.m. At the commencement of the hearing, defendant Henderson's questions to the court and other behavior caused the court to inquire of defense counsel as to whether or not she was satisfied as to her

client's competency to proceed. She stated that she was not so satisfied at the present and orally requested a psychiatric evaluation. Counsel for the government concurred in the oral request.

The court finds that there is reasonable cause to believe that Henderson may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Therefore, a psychiatric examination will be ordered.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Defense counsel's oral request for a psychiatric evaluation of defendant Henderson is granted.
2. A psychiatric or psychological examination of defendant Shawn Henderson shall be conducted by a licensed or certified psychiatrist or psychologist employed by the Bureau of Prisons to determine whether defendant Henderson is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

3. The psychiatric or psychological examination is authorized under and pursuant to § 4241(b) of Title 18, United States Code.

4. The examination shall be completed and the psychiatric or psychological report filed in accordance with § 4247(c) within thirty (30) days of the date of this order.

5. Upon review of the psychiatric or psychological report, the court will schedule a hearing, if then deemed appropriate.

6. For the purposes of the examination, Henderson is committed to the custody of the Attorney General for placement in a suitable facility for a period of thirty (30) days. Unless impracticable, the psychiatric or psychological examination shall be conducted in a suitable facility closest to Williamsport, Pennsylvania.

7. The United States Marshal's Service is directed to transport Henderson to and from the examination.

8. Jury selection now scheduled for August 1, 2008 is continued until further order of court and will be rescheduled if appropriate upon a determination as to Henderson's competency to proceed. The period of delay resulting from this

continuance is excluded in computing the time within which trial of the offense must commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A).

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge